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### REMARKS

Reconsideration is requested in view of the above amendments and the following remarks. Claim 1 has been revised. New independent claim 21 has been added. Support for the revisions and the new claim can be found at, e.g., page 17, lines 4-16 of the specification and Figs. 14A-B, 16A-D, 17A-C, 18A-B, 19A-B, 20A-C, among other places. Claims 1-21 are pending in the application.

### Claim Rejections – 35 USC § 102

Claims 1-8 and 19-20 are rejected under 35 USC 102(a) as being anticipated by Garthe et al. (US Publication No. 2003/0225429). Applicants respectfully traverse this rejection.

Claim 1 requires a lancet holder that includes a first member and a second member, where the second member is movable relative to the first member between a fixing position in which a main body of a lancet is fixed to the lancet holder with a first fixing force and a non-fixing position in which the main body of the lancet is held by the lancet holder with a second fixing force smaller than the first fixing force for facilitated removal from the lancet holder.

As illustrated in Figs. 14A and 14B, in this embodiment, a lancet holder 32 includes a first member 33 and a second member 34, wherein the second member 34 is movable relative to the first member 33 between the fixing position as shown in Fig. 14A, and a non-fixing position as shown in Fig. 14B. In the fixing position, the main body 10 of the lancet 1 is fixed to the lancet holder 32 with a first fixing force. In the non-fixing position, the main body 10 of the lancet 1 is held by the lancet holder 32 with a second fixing force smaller than the first fixing force for facilitated removal from the lancet holder 32 (see, e.g., page 14, line 13 to page 15, line 11 of the specification, among other places). The present lancet holder including the first and second members helps easily install and remove the lancet so that the lancet can be replaced without damaging the lancet holder (see, e.g., page 3, lines 8-12 of the specification, among other places; see also Figs. 16A-D, 17A-C, 18A-B, 19A-B, 20A-C).

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Garthe et al. fail to teach or suggest a lancet holder that includes a first member and a second member, where the second member is movable relative to the first member between a fixing position in which a main body of a lancet is fixed to the lancet holder with a first fixing force and a non-fixing position in which the main body of the lancet is held by the lancet holder with a second fixing force smaller than the first fixing force for facilitated removal from the lancet holder, as required by claim 1. Instead, Garthe et al. merely discuss a lancet 30 that appears to be attached to a lancet holder 40 by pressure fitting (see, Garthe et al., Figs. 4A-C). Garthe et al. are completely silent as to a main body of a lancet being held by a lancet holder with a second fixing force smaller than a first fixing force for facilitated removal from the lancet holder. In fact, nowhere do Garthe et al. disclose a mechanism that allows the lancet 30 to be removable relative to the lancet holder 40. The rejection refers to the cylindrical mass 60 and the lancet holder 40 as disclosing the first and second members of the lancet holder required by claim 1. However, the relative positioning between the cylindrical mass 60 and the lancet holder 40 in Garthe et al. does not appear to affect the removability of the lancet 30 from the lancet holder 40.

For at least these reasons, claim 1 is patentable over Garthe et al. Claims 2-8 and 19-20 depend ultimately from claim 1 and are patentable along with claim 1 and need not be separately distinguished at this time. Applicants are not conceding the relevance of the rejection to the remaining features of the rejected claims.

#### **Claim Rejections – 35 USC § 103**

Claims 9 and 16-18 are rejected under 35 USC 103(a) as being unpatentable over Garthe in view of Kageyama et al. (US Patent No. 6,039,485). Applicants respectfully traverse this rejection.

Claims 9 and 16-18 depend ultimately from claim 1 and are patentable over Garthe et al. in view of Kageyama et al. for at least the same reasons discussed above regarding claims 1-8 and 19-20. Kageyama et al. do not remedy the deficiencies of Garthe et al. Moreover, the tip chuck 34 and the axial cylinder 26 in Kageyama et al. are merely parts of a mechanical pencil. The use of a lancet holder for a lancing apparatus

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requires different considerations from those when tip chucks are used in the field of making mechanical pencils. Therefore, claims 9 and 16-18 are patentable over Garthe et al. in view of Kageyama et al. Applicants are not conceding the relevance of the rejection to the remaining features of the rejected claims.

Claim 10 is rejected under 35 USC 103(a) as being unpatentable over Garthe et al. in view of Kageyama et al., and further in view of Okumura et al. (US Patent No. 6,226,873). Applicants respectfully traverse this rejection. Claim 10 depends from claim 9 and is patentable over Garthe et al. in view of Kageyama et al., and further in view of Okumura et al. for at least the same reasons discussed above regarding claims 9 and 6-18. Okumura et al. do not remedy the deficiencies of Garthe et al. and Kageyama et al. Applicants are not conceding the relevance of the rejection to the remaining features of the rejected claim.

Claim 11 is rejected under 35 USC 103(a) as being unpatentable over Garthe et al. in view of Kageyama et al. and Okumura et al., and further in view of Searle et al. (US Publication No. 2002/0087180). Applicants respectfully traverse this rejection. Claim 11 depends from claim 10 and is patentable over Garthe et al. in view of Kageyama et al. and Okumura et al. and further in view of Searle et al. for at least the same reasons discussed above regarding claim 10. Searle et al. do not remedy the deficiencies of Garthe et al., Kageyama et al. and Okumura et al. Applicants are not conceding the relevance of the rejection to the remaining features of the rejected claim.

Claims 12-15 are rejected under 35 USC 103(a) as being unpatentable over Garthe et al. in view of Kageyama et al. and Okumura et al., and further in view of Ritson et al. (US Patent No. 5,041,088). Applicants respectfully traverse this rejection. Claims 12-15 depend ultimately from claim 10 and are patentable over Garthe et al. in view of Kageyama et al. and Okumura et al., and further in view of Ritson et al. for at least the same reasons discussed above regarding claim 10. Ritson et al. do not remedy the

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deficiencies of Garthe et al., Kageyama et al. and Okumura et al. Applicants are not conceding the relevance of the rejection to the remaining features of the rejected claims.

New independent claim 21 requires a second member that includes a movable fixing portion moving in a direction crossing a needle extending direction for fixing contact with a main body of a lancet in response to a movement of the second member from a non-fixing position to a fixing position. The art of record fails to teach or suggest such an arrangement as required by claim 21. For at least this reason, claim 21 is patentable.

In view of the above, favorable reconsideration in the form of a notice of allowance is respectfully requested. Any questions regarding this communication can be directed to the undersigned attorney, Douglas P. Mueller, Reg. No. 30,300, at (612) 455-3804.

Respectfully submitted,

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Dated: August 27, 2009

By:

A handwritten signature in black ink, appearing to be "D. Mueller", written over a horizontal line.

Douglas P. Mueller  
Reg. No. 30,300

DPM/cy